

Appln. No. 10/713,693
Amendment dated October 11, 2006
Reply to Office Action mailed July 11, 2006

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REMARKS

Reconsideration is respectfully requested.

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Claims 1 through 10 remain in this application. Claim 10 has been cancelled. No claims have been withdrawn. Claim 11 has been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 1 of the Office Action

Claims 1 and 5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Smith, or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Stuckey (1262402)..

Claims 2 through 5 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Smith in view of Stuckey.

Claim 6 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over the Smith rejection as set forth in paragraph 1 and further in view of Cumpston

Claim 1, particularly as amended, requires "wherein said umbrella-holding bracket assembly includes an umbrella holder defining an elongate sleeve for receiving a portion of a shaft of the umbrella, said elongate sleeve defining openings at opposite ends of said sleeve, said elongate sleeve comprising a perimeter wall extending between said openings at said opposite ends, a slot extending through said perimeter wall and extending between said openings to permit the shaft of the umbrella to be inserted through said slot and into said sleeve such that the shaft passes through said openings".

It is submitted that neither the Smith nor the Stuckey nor the Cumpston patent would not lead one of ordinary skill in the art to the applicant's

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claimed invention as defined in claim 1, especially with the requirements set forth above, and therefore it is submitted that claim 1 is allowable over the prior art. Further, claim 5, which depends from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 6 and 9 is therefore respectfully requested.

Paragraph 4 of the Office Action

Paragraph 4 of the Office Action states that claim 7 and 8 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claims 1 and 6 in its original form into the recitation of claim 7, and therefore claim 7 is believed to be in condition for allowance.

The above amendment incorporates the limitations of claim 1 in its original form into the recitation of claim 8, and therefore claim 8 is believed to be in condition for allowance.

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CONCLUSION

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In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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